



Broadcasting Notice of Consultation CRTC 2013-215

PDF version

Ottawa, 6 May 2013

Notice of applications received

Various locations

Deadline for submission of interventions/comments/answers: 11 June 2013

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission has received the following applications:

Applicant/licensee and locality

1. **Canadian Hellenic Cable Radio Ltd.**
Montréal, Quebec
Application 2013-0229-9
2. **Dufferin Communications Inc.**
Winnipeg, Manitoba
Application 2013-0201-7

1. **Canadian Hellenic Cable Radio Ltd.**
Montréal, Quebec
Application 2013-0229-9

Application by **Canadian Hellenic Cable Radio Ltd.** to renew the broadcasting licence for the commercial ethnic radio programming undertaking CKDG-FM Montréal, expiring 31 August 2013.

The licensee proposes to delete the following conditions of licence, currently set out in *CKDG-FM Montreal – Licence renewal*, Broadcasting Decision CRTC 2010-428, 30 June 2010 (Broadcasting Decision 2010-428):

3. The licensee shall devote a minimum of 70% of the programming broadcast during each broadcast week to ethnic programs, as defined in the *Radio Regulations, 1986*, as amended from time to time.
4. The licensee shall devote a minimum of 60% of the programming broadcast during each broadcast week to third language programs, as defined in the *Radio Regulations, 1986*, as amended from time to time.
5. The licensee shall broadcast, in each broadcast week, programming directed to a minimum of six cultural groups in a minimum of eight languages.

It proposes to replace these conditions of licence with the following conditions of licence:

- The licensee shall devote a minimum of 60% of the programming broadcast during each broadcast week to ethnic programs, as defined in the *Radio Regulations, 1986*, as amended from time to time.
- The licensee shall devote a minimum of 50% of the programming broadcast during each broadcast week to third language programs, as defined in the *Radio Regulations, 1986*, as amended from time to time.
- The licensee shall broadcast, in each broadcast week, programming directed to a minimum of eight cultural groups in a minimum of six languages.

The licensee stated that the proposed amendments are in line with *Ethnic Broadcasting Policy*, Public Notice CRTC 1999-117, 16 July 1999. It stated that they would provide the station with programming and financial flexibility.

It appears to the Commission that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns, for the 2009-2010 broadcast year.

Further, it appears to the Commission that the licensee may have failed to comply with requirements relating to Canadian content development (CCD) contributions for the 2009-2010 through 2011-2012 broadcast years.

In addition, the Commission notes that in Broadcasting Decision 2010-428, the licensee stated that it would pay its Canadian talent development (CTD) shortfall of \$42,022 for the 2003-2004 through 2007-2008 broadcast years by 31 August 2011. The Commission's records show that no such payment was made by that date.

The Commission will examine the apparent instances of non-compliance and the licensee's subsequent responses, as well as its plans relating to its filing of annual returns, its missing CCD contributions, and its payments relating to its CTD shortfall set out in Broadcasting Decision 2010-428.

The Commission may consider the use of regulatory measures, such as a short-term licence renewal, in accordance with *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011.

Should the Commission approve the present application, the renewed broadcasting licence would be subject to the conditions set out in the current licence, with the exception of those the licensee proposes to delete, as well as the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.

Licensee's address:

5899 Park Avenue

Montréal, Quebec

H2V 4H4

Fax: 514-273-3707

Email: marie@mikefm.ca

Email to request electronic version of application: marie@mikefm.ca

2. Dufferin Communications Inc.

Winnipeg, Manitoba

Application 2013-0201-7

Application by **Dufferin Communications Inc.** to renew the broadcasting licence for the English-language, commercial specialty radio programming undertaking CFJL-FM Winnipeg, expiring 31 August 2013.

The licensee proposes to delete the following conditions of licence, currently set out in *CHNK-FM Winnipeg - Acquisition of assets and licence amendment; CKJS Winnipeg - Acquisition of assets and licence renewal*, Broadcasting Decision CRTC 2011-661, 24 October 2011:

2. The licensee shall operate the station within the specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-6, 21 April 1995, as amended in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
3. The licensee shall ensure that no more than 70% of all musical selections broadcast during each broadcast week are selections drawn from content category 2 (Popular Music), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
4. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations):
 - a) in those periods of category 2 music consisting exclusively of music composed before 1956, devote a weekly average of 2% or more of its musical selections from content category 2 broadcast during those periods to Canadian selections broadcast in their entirety. The licensee shall identify those programming periods and the dates of composition of the music selections broadcast during those periods when requested by the Commission;
 - b) in those periods of category 2 music consisting of 90% or more but not exclusively, of music composed before 1956, devote a weekly average of 10% or more of its musical selections from content category 2 broadcast during those periods to Canadian selections broadcast in their entirety. The licensee shall identify those programming periods and the dates of composition of the music selections broadcast during those periods when requested by the Commission;

The licensee states that these changes are necessary because the station's current format is not economically viable.

Should the Commission approve the present application, the renewed broadcasting licence would be subject to the conditions set out in the current licence, with the exception of those the licensee proposes to delete, as well as the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.

The Commission examined the licensee's compliance with its requirements relating to Canadian talent development, Canadian content development and the filing of annual returns, as set out by condition of licence and in the *Radio Regulations, 1986*. It appears to the Commission that the licensee is in compliance with these requirements.

Licensee's address:

5312 Dundas Street West

Toronto, Ontario

M9B 1B3

Fax: 416-233-8617

Email: carmela@evanovradio.com

Website to view application: www.evanovradio.com

Email to request electronic version of application: carmela@evanovradio.com

Procedure

Deadline for interventions or answers

11 June 2013

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for content, format, filing and service of interventions, the procedure for filing confidential information and requesting its disclosure, and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.

Interventions and answers from respondents will be considered by the Commission and will form part of the public record of the proceeding without further notification to parties, provided the procedures set out in the Rules of Procedure and this notice have been followed. Parties will be contacted only if their submissions raise procedural questions.

Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents, as it may be difficult to establish that service has occurred.

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service was completed. The sender must keep proof of the sending and the receipt of the document for 180 days after the day on which it is filed.

Submissions longer than five pages should include a summary.

Each paragraph of the submission should be numbered. In addition, where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been altered during electronic transmission.

Interventions and answers should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

Important notice

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

The Commission encourages parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Examination of documents

An electronic version of the applications is available on the Commission's website by selecting the application number within this notice. It is also available from the licensees, either on their websites or upon request by contacting the licensees at their email addresses, provided above.

A list of all interventions and answers will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and by clicking on the "Interventions/Answers" link associated with this notice.

Documents are also available during normal office hours at the Commission offices and documentation centres directly involved with these applications, or, upon request, within two (2) working days, at any other Commission offices and documentation centres.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

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Secretary General